



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/798,696

03/11/2004

Thomas S. Afferton

Afferton 2003-0075

6182

7590  
Henry T. Brendzel  
P.O. Box 574  
Springfield, NJ 07081

03/25/2009

EXAMINER

ABDIN, SHAHEDA A

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

03/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **Response to Arguments**

1. Based on the Applicant's argument and clarification of the claim language, the rejection under 35 USC 112 2nd of claims 21-25 and 46-47 have been withdrawn by Examiner. However, the rejections under 35 USC §102 for claims 21, 23-25 and under 35 USC § 103 for claims 22, 46-47 have been maintained by the Examiner.
2. Applicant's arguments with respect to claim 1 has been considered but are not persuasive

Regarding claim1:

Applicant's argues that "The Examiner is referring to in response 1-6, but Applicant's find no categorized within previous office action response (amendment) of any subdivision that can be categorizes as responses 1 through 6". However, note that Examiner's respond through 1-6 are based on Applicant's arguments as discussed in the previous office action's in the argument section. Also note that each respond is consistent with the Applicant's argument, which is explicit and comprehensive. See the discussion in the previous office action's argument section.

More specifically Applicant argues that "having bidirectional local input port (i.e. X4N and X1N)" is not clear, as to which port the Examiner considers to be local port.

Note that the limitation “ **bidirectional local ports**” broadly recited in claim 1. That means, it is not precisely construed by the Applicant’s claim language that which local ports are bidirectional local ports that each connected to a different one of ODS connection points. At this situation Sutter’s reference is broad enough to teach the limitations as recited in claim 1 in such that an optical director element (e.g. M01) having bidirectional local ports (X4N and X1N) , each (X4N and X1N) connected to a different one of said ODS connection points (note that the connection points X4N and X1N is different connection points) , and at least two other ports (e.g. 11S, MS ) , with said director element (M01) configured to add a signal applied to one of said local input ports ((11S) by a connected ODS connection point (11S), which is at said particular wavelength (i.e. signal  $\lambda 1$ ) , to a specific one of the other ports (MS), via all optical paths(i.e. F1 and F2) (note that signal  $\lambda 1$  is added in ports 11S and  $\lambda 4$  is added to port MS) (see the illustration in Fig. 2), (note that M01 interpreted as optical director element which has two local input ports X1N and X4N and the elements MS and 11s are interpreted as the other ports as to adopt signal  $\lambda 4$  and  $\lambda 1$ ) (column 6, lines 20-65). It should be noted that the elements X4N and X1N are interpreted as bidirectional local ports, e.g. the element X4N directing the signals ( $\lambda 4$ ) and ( $\lambda 1 \lambda 2 \lambda 3 \lambda 4$ ) in two different directions ( i.e.  $\uparrow$  with  $\lambda 4$  and  $\rightarrow$  with  $\lambda 1 \lambda 2 \lambda 3 \lambda 4$ ). Similarly for port X1N directing the signals ( $\lambda 1$ ) and ( $\lambda 2 \lambda 3 \lambda 4$ ) in two different directions ( i.e.  $\uparrow$  with  $\lambda 1$  and  $\rightarrow$  with ( $\lambda 2 \lambda 3 \lambda 4$ ) Therefore, it is clear that the elements X4N and X1N each considered as a bidirectional local port.

### Inquiry

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Shaheda Abdin** whose telephone number is (571) 270-1673.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard HJerpe** could be reached at (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pari-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shaheda Abdin

03/23/2009

.....